

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CASE NO.:

ERIC CHAMPLIN,

Plaintiff,

v.

CORNERSTONE ASSOCIATES, INC.
and MOUNTAIN WALK
TOWNHOME ASSOCIATION, INC.,

Defendants.

**COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff ERIC CHAMPLIN by and through his undersigned counsel, brings this Complaint against Defendants CORNERSTONE ASSOCIATES, INC. and MOUNTAIN WALK TOWNHOME ASSOCIATION, INC. for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff ERIC CHAMPLIN (“Champlin”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Champlin's original copyrighted Work of authorship in his Work.

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2. Champlin is a freelance outdoor, travel and events writer and photographer for the Atlanta Journal-Constitution, and founder & editor of AtlantaTrails.com. Prior to transitioning to freelance photographer, Champlin worked as a Senior Art Director to Creative Director for large brands like AT&T, Delta Air Lines, Verizon, Maybelline and Garnier. His freelance clients include Blue Cross / Anthem, Georgia Pacific, Capital Lighting, Moptop Hair and Fuzzy Duck.

3. Defendant CORNERSTONE ASSOCIATES, INC. (“Cornerstone”) is a developer and builder of residential properties since 1985. Cornerstone has built or developed over 300 properties in metro Atlanta, ranging from entry-level homes to million dollar plus residences, lake front homes to mountain cabins, and office condominiums.

4. Defendant Mountain Walk Townhome Association, Inc. (“MWTAI”) is a luxury residential townhome community in Marietta, Georgia. Mountain Walk Townhomes are built by Cornerstone. Upon information and belief, at all times relevant herein, MWTAI owned and operated the internet website located at the URL www.mountainwalktownhomes.com (the “Website”).

5. Defendants Cornerstone and MWTAI are collectively referred to herein as “Defendants.”

6. Champlin alleges that Defendants copied Champlin's copyrighted Work from the internet in order to advertise, market and promote its business activities. Defendants committed the violations alleged in connection with Defendants' business for purposes of advertising and promoting sales to the public in the course and scope of the Defendants' business.

JURISDICTION AND VENUE

7. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

8. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

9. Defendants are subject to personal jurisdiction in Georgia.

10. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendants engaged in infringement in this district, Defendants reside in this district, and Defendants are subject to personal jurisdiction in this district.

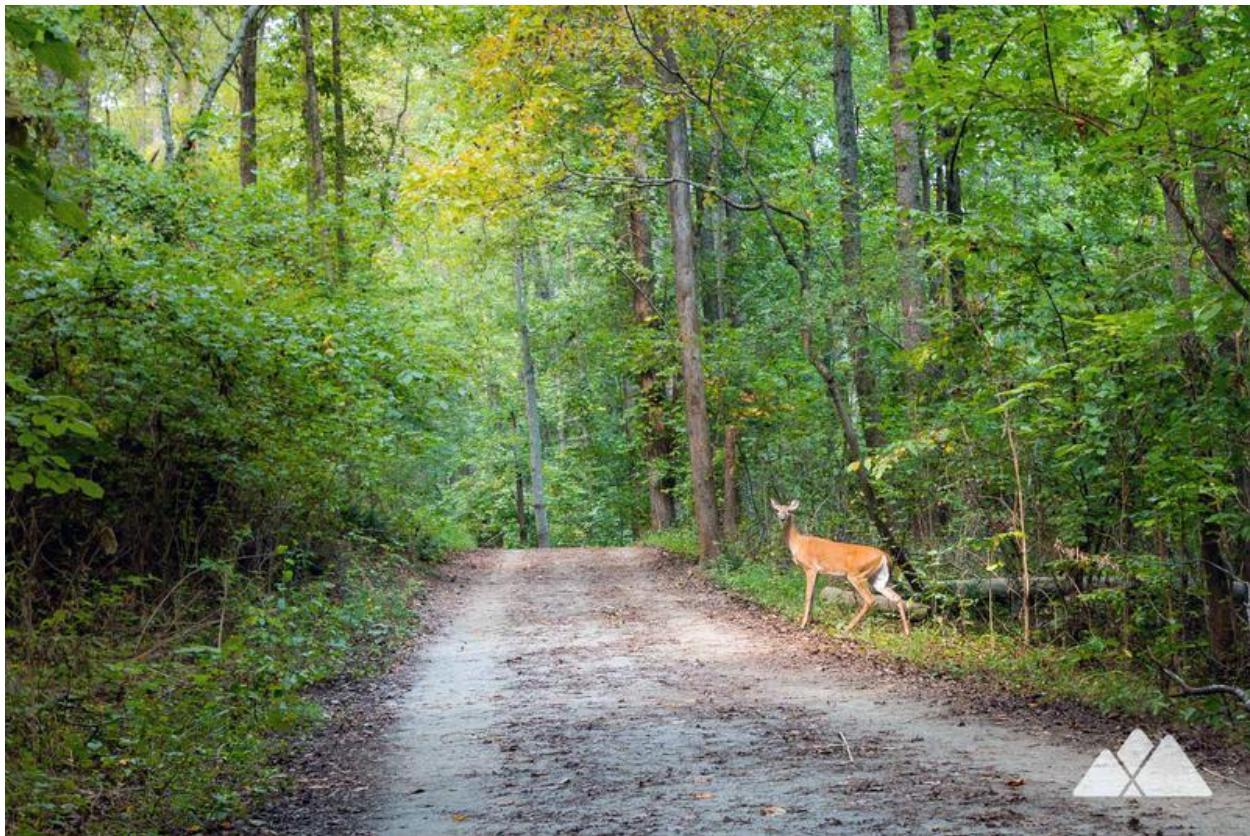
DEFENDANTS

11. Cornerstone Associates, Inc. is a Georgia Corporation, with its principal place of business at 4994 Lower Roswell Road, Suite 9, Marietta, Georgia, 30068, and can be served by serving its Registered Agent, Mr. Richard J. Sweet, at the same address.

12. Mountain Walk Townhome Association, Inc. is a Georgia Corporation, with its principal place of business at 4994 Lower Roswell Road, Suite 9, Marietta, Georgia, 30068, and can be served by serving its Registered Agent, Mr. Jin H. Kim, 5755 North Point Parkway, Suite 50, Alpharetta, Georgia, 30022.

THE COPYRIGHTED WORK AT ISSUE

13. In 2012, Champlin created the photograph entitled kennesaw mountain battlefield trail 02, which is shown below and referred to herein as the “Work”.



14. Champlin registered the Work with the Register of Copyrights on June 23, 2018 and was assigned the registration number VA 2-109-583. The Certificate of Registration is attached hereto as Exhibit 1.

15. Champlin's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

16. At all relevant times Champlin was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANTS

17. Defendants have never been licensed to use the Work at issue in this action for any purpose.

18. On a date after the Work at issue in this action was created, but prior to the filing of this action, Defendants copied the Work.

19. On or about February 13, 2020, Champlin discovered the unauthorized use of his Work on the Website.

20. Defendants copied Champlin's copyrighted Work without Champlin's permission.

21. After Defendants copied the Work, they made further copies and distributed the Work on the internet to promote the sale of goods and services as part of their construction and residential townhome businesses.

22. Defendants copied and distributed Champlin's copyrighted Work in connection with Defendants' business for purposes of advertising and promoting Defendants' business, and in the course and scope of advertising and selling products and services.

23. Champlin's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

24. Defendants committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

25. Champlin never gave Defendants permission or authority to copy, distribute or display the Work at issue in this case.

26. Champlin notified Defendants of the allegations set forth herein on June 9, 2020 and July 10, 2020. To date, Defendants have failed to respond to Plaintiff's Notices. Copies of the Notices to Defendants are attached hereto as Exhibit 3.

COUNT I
COPYRIGHT INFRINGEMENT

27. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein.

28. Champlin owns a valid copyright in the Work at issue in this case.

29. Champlin registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

30. Defendants copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Champlin's authorization in violation of 17 U.S.C. § 501.

31. Defendants performed the acts alleged in the course and scope of its business activities.

32. Defendants' acts were willful.

33. Champlin has been damaged.

34. The harm caused to Champlin has been irreparable.

WHEREFORE, the Plaintiff prays for judgment against the Defendants Cornerstone Associates, Inc. and Mountain Walk Townhome Association, Inc. that:

a. Defendants and their officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendants be required to pay Plaintiff his actual damages and Defendants' profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

- d. Plaintiff be awarded pre and post-judgment interest; and
- e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: January 6, 2021

Respectfully submitted,

/s/Joel B. Rothman

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